

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

KOCH FOODS OF ALABAMA, LLC, an Alabama Limited Liability company	)	
	)	Case No. 07-cv-522-MHT
	)	
Plaintiff and Counterclaim-defendant,	)	
	)	Honorable Myron H. Thompson
v.	)	Honorable Terry F. Moorer
	)	
GENERAL ELECTRIC CAPITAL CORPORATION, a Delaware corporation,	)	
	)	
	)	
Defendant and Counterclaim-plaintiff.	)	

**KOCH FOODS' RESPONSE TO GECC'S MOTION FOR LEAVE TO  
FILE REPLY IN FURTHER SUPPORT OF ITS SUMMARY JUDGMENT MOTION**

Plaintiff and Counterclaim-Defendant, Koch Foods of Alabama, LLC ("Koch"), through its undersigned counsel, files this response to General Electric Capital Corporation's ("GECC") Motion for Leave to File Reply in Further Support of its Motion for Summary Judgment Motion. In support of its response, Koch states as follows:

1. On December 7, 2007, both parties filed their respective summary judgment motions. On January 4, 2008, both parties filed their responses to each other's summary judgment motions.

2. On January 7, 2008, GECC filed its Motion for Leave to File Reply in Further Support its Motion for Summary Judgment As to All Claims and Counterclaims and Brief and Evidentiary Submission in Support Thereof (Doc. 69).

3. The parties have briefed the Court extensively in their motions and responses. No further briefing is necessary.

4. If this Court grants GECC's Motion for Leave to File Reply, however, this Court should also grant permission for Koch to file a reply with respect to its summary judgment motion.

WHEREFORE, Koch respectfully requests that, in the event that this Court allow GECC to file a reply with respect to GECC's summary judgment motion, this Court grant the same extension for Koch to file a reply with respect to Koch's summary judgment motion.

**Dated: January 7, 2008**

**KOCH FOODS OF ALABAMA, LLC**

By: /s/ Zhiyuan Xu  
**One of Its Attorneys**

Eugene J. Geekie, Jr. (ARDC # 6195060)  
Zhiyuan "Mike" Xu (ARDC # 6292094)  
**SCHIFF HARDIN LLP**  
6600 Sears Tower  
Chicago, Illinois 60606-6473  
(312) 258-5500 (phone)  
(312) 258-5700 (fax)

-and-

Thomas G. Mancuso  
Mancuso & Franco, P.C.  
7515 Halcyon Summit Drive, Suite 301  
Montgomery, Alabama 36117  
(334)481-1800

**Counsel for Koch Foods of Alabama, LLC**

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, certifies that on January 7, 2008, copies of *Koch Foods' Response To GECC's Motion For Leave to File Reply in Further Support Of its Summary Judgment Motion* were caused to be served via the CM/ECF to the following:

Alexander Terras  
Timothy Scott Harris  
Reed Smith Sachnoff & Weaver  
10 South Wacker Drive  
Chicago, IL 60606  
312-207-1000  
Fax: 312-207-6400  
Email: tharris@reedsmith.com

Rusha Christina Smith  
Bradley Arant Rose & White LLP  
One Federal Place  
1819 Fifth Avenue North  
Birmingham, AL 35203-2104  
205-521-8010  
Fax: 205-488-6010  
Email: rsmith@bradleyarant.com

/s/ Zhiyuan Xu  
Zhiyuan Xu